

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California  
Corporation,

Plaintiff,

v.

INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation, and SYMANTEC  
CORPORATION, a Delaware corporation,

Defendants.

Case No. 04-1199

**RESPONSE TO DEFENDANTS'  
NOTICE OF SUPPLEMENTAL AUTHORITY**

Neither of the two cases cited by Defendants is relevant to this case. *Muniauction* involved the simple adaptation of a single prior art system for use with a known web browser, where the patentee's expert had conceded the system contained every claimed limitation other than a web browser. *Comcast* involved a single dependent claim which depended from a claim the Federal Circuit had already determined to be anticipated. Neither of these fact patterns approximates the facts of this case,<sup>1</sup> which SRI respectfully suggests warrant a trial.

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<sup>1</sup> The apparent basis for citing these cases is their ultimate conclusion that certain claims were obvious. Of course, for every post-*KSR* case Defendants can cite where a patent claim was invalidated as obvious, SRI could cite a case to the contrary. See, e.g., *Ortho-McNeil Pharma. Inc. v. Mylan Labs., Inc.*, 520 F.3d 1358 (Fed. Cir. 2008) (aff'g summary judgment of non-obviousness and issuance of permanent injunction); *Forest Labs. v. Ivax Pharma.*, 501 F.3d 1263 (Fed. Cir. 2007) (aff'g determination of non-obviousness made after a bench trial in Delaware District Court and issuance of permanent injunction).

Dated: July 24, 2008

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2008, I electronically filed with the Clerk of Court the attached **RESPONSE TO DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY** using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the filing will also be sent via hand delivery:

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I also certify that on July 24, 2008, I electronically mailed the above document(s) to the following non-registered participants:

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